

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

SCOTT L. BAENA, LITIGATION  
TRUSTEE OF THE LERNOUT &  
HAUSPIE SPEECH  
PRODUCTS N.V. LITIGATION TRUST,

Plaintiff,

v.

KPMG LLP and KLYNVELD PEAT  
MARWICK GOERDELER  
BEDRIJFSREVISOREN,

Defendants.

Civil Action No. 04-CV-12606 (PBS)

**NOTICE OF APPEAL**

Notice is hereby given that Scott L. Baena, Litigation Trustee of the Lernout & Hauspie Speech Products N.V. Litigation Trust, plaintiff in the above named case, hereby appeals to the United States Court of Appeals for the First Circuit from the Memorandum and Order granting Motion to Dismiss Complaint filed by Klynveld Peat Marwick Goerdeler Bedrijfsrevisoren, and Motion to Dismiss filed by KPMG LLP, entered in this action on the 28th day of September, 2005.

Respectfully Submitted,

SCOTT L. BAENA, LITIGATION  
TRUSTEE  
OF THE LERNOUT & HAUSPIE SPEE  
PRODUCTS N.V. LITGATION TRUST

By his attorneys,



Joel G. Beckman BBO# 553086  
William C. Nystrom BBO#559656  
Dana A. Zakarian BBO#641058  
Nystrom Beckman & Paris LLP  
10 St. James Avenue, 16<sup>th</sup> Floor  
Boston, MA 02116  
Telephone: (617) 778-9100  
Facsimile: (617) 778-9110

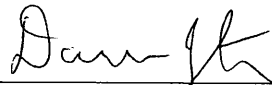
AND

David W. Trench, FBN 202975  
Robert E. Turken, FBN  
Bilzin Sumberg Baena Price & Axelrod I  
2500 Wachovia Financial Center  
200 South Biscayne Boulevard  
Miami, Florida 33131-2336  
Telephone: (305) 374-7580  
Facsimile: (305) 374-7593

Dated: October 6, 2005

**CERTIFICATE OF SERVICE**

I, Dana A. Zakarian, hereby certify that on October 6, 2005, I caused a true copy of the foregoing document to be served upon all counsel of record.



Dana A. Zakarian